

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEBRASKA**

IN THE MATTER OF:  
ANTHONY WAYNE SPEARS

Debtor.

Case No. BK 11-81207

CHAPTER 7

ANTHONY W. SPEARS & TROY O.  
ROBINSON,

Plaintiffs,

**Adv. Proc. No. 8:19-ap-8033**

vs.

UNIVERSITY ACCOUNTING SERVICES,  
LLC; YOUNOMICS PRIVATE STUDENT  
LOAN TRUST; NAVIENT SOLUTIONS,  
LLC; AND NELNET SERVICING, LLC,  
D/B/A FIRSTMARK SERVICES,

Defendants.

**DEFENDANT NATIONAL COLLEGIATE TRUST 2006-A'S  
MOTION TO DISMISS PLAINTIFFS' SECOND AMENDED COMPLAINT  
AND NOTICE OF RESISTANCE DEADLINE**

Defendant, National Collegiate Trust 2006-A (the "Trust"), through its undersigned counsel, hereby moves to dismiss Plaintiffs' Second Amended Complaint (the "Complaint") as to the Trust pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief may be granted. In support of this Motion, the Trust submits a brief contemporaneously herewith.

WHEREFORE, the Trust respectfully requests an Order dismissing Plaintiffs' Second Amended Complaint as to the Trust, with prejudice, and for such other and further relief as the Court deems fair and just.

Dated: September 4, 2020

**PERRY, GUTHERY, HAASE  
& GESSFORD, P.C., L.L.O.**

By: /s/ Charles F. Kaplan

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**NOTICE OF RESISTANCE DEADLINE**  
**PURSUANT TO NEB. R. BANKR. P. 9013-1(E)**

Please take notice that, pursuant to Rule 9013-1(D), any resistance to Defendant National Collegiate Trust 2006-A'S Motion to Dismiss Plaintiffs' Second Amended Complaint, or request for hearing as to the same, must be filed on or before **September 25, 2020** (the "Resistance Date"). Unless a resistance or request for hearing is filed and served on or before the Resistance Date, the Court may enter an order in favor of the moving party.

Dated: September 4, 2020

**PERRY, GUTHERY, HAASE  
& GESSFORD, P.C., L.L.O.**

By: /s/ Charles F. Kaplan

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 4th day of September, 2020, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which sent notification to the following:

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I further certify that I have mailed by United States Postal Service the foregoing document to the following non-CM/ECF participants: None.

/s/ Charles F. Kaplan

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